

AGENDA EXCOMM MEETING

Trusts and Estates Section
State Bar of California

**JANUARY 8, 2005
HILTON OAKLAND AIRPORT HOTEL — 9:30 A.M. to 3:30 P.M.**

I. WELCOME, INTRODUCTIONS AND REPORTS OF CHAIR/VICE CHAIR

1. **Welcome & Introductions** [FITZPATRICK]
2. **Approval of Minutes of November Meeting** [FITZPATRICK]
3. **Report of Chair** [FITZPATRICK]
4. **Report of Vice Chair** [POTTS]
5. **Report of Section Administrator** [ORLOFF]
Administrative Matters

II. ADMINISTRATIVE MATTERS

1. **Finance and Budget – Financial Report** [POTTS]
2. **Council of State Bar Sections** [GODSHALL]

III. COMMITTEE, TASK FORCE AND LIAISON REPORTS

1. **Incapacity** [HARRIS/STERN]
 - (a) PC §§ 1900 -1901 and 2351.5 amendments
 - (b) B&PC § 6068.5 — Attorney role in helping at-risk clients [Lodise]
 - (c) PC § 15642 - HIPAA Issues working group
 - (d) Ongoing projects:
 - (1) Conservator investment powers – reform of PC §§ 2570 - 2574
 - (2) Appointed counsel for the already represented – amendment of PC §§ 1470-1471
 - (3) Conservator independent powers – PC §§ 2590-2591
 - (4) W&IC § 15657.3 – Estate of Lowrie
 - (5) PC § 2356.5
 - (e) AB 1101 Task Force [Lodise]
 - (f) Medi-Cal Update
 - (g) AB 1155 - Adoption of Rule of Court [Potts]
2. **Legislation** [REGGIARDO]
 - (a) Mandatory procedures re legislative proposals
 - (b) Report on pending legislation
 - (c) Legislative proposals submitted to State Bar for next year
 - (d) Online Bill Tracking legislative information:
www.leginfo.ca.gov/

IMPORTANT GUIDELINES:

- Please use approved format for legislative proposals.
- Please Use Comment form for comments on legislation as a member of EXCOMM.
- Always write to Larry Doyle, not directly to a member of legislature or legislative staff.
- If you agree to testify, be there unless otherwise notified.

3. **Conference of Delegates** [LODISE/MOORE]
 - (a) T&E Resolutions
4. **Trust & Estate Administration Committee** [DOCKER]
 - (a) Temporary Trustee powers [Lodise]
 - (b) Inconsistent requirements for recording deeds in different counties [Gaw]
5. **CLRC Committee** [MOORE]
 - (a) Report on CLRC meeting
 - (b) Multiple party accounts
 - (c) Other pending or looming CLRC projects
 - (d) Uniform Trust Act/Prof. English Report
6. **Educating Seniors** [TONG]
 - (a) Senior Information Line 1-888-460-7364
 - (b) Speakers' Bureau - New Guidance for speakers
 - (c) Your Legal Rights - AMA Funding
 - (d) Coordination with Office of Emergency Services [Pollard]
 - (e) Status of Funding for Information Card and Senior Outreach Plan
 - (f) Review of Estate Planning Brochure [Hand]
 - (g) Review of Elder Abuse Brochure [Corey]
7. **Ethics Committee** [WOLFF/LODISE]
 - (a) Report of Liaison to Revision Commission
 - (b) Status of Ethics Guide Update
 - (c) Rule 3-310 of Rules of Professional Conduct
 - (d) Retreat discussion of substantive issues in Ethics Guide
8. **Estate Planning Committee** [PAYNE]
 - (a) PC § 21350 (a)(6) care custodian project
 - (b) Probate Code § 6110 - witness requirements
 - (c) AB 1210 - Cleanup [Reggiardo]

9. **Membership & Marketing** [ALBERIO]
(a) Membership count
(b) Marketing of education programs
(c) Staffing tables at MCLE programs
10. **Income and Transfer Taxes** [KAO]
(a) State Legislation of Note
(b) Federal Legislative Developments
11. **Quarterly** [BURGER]
(a) Winter 2004 Issue status
(b) Spring 2005 Issue status
(c) Solicitation of articles
(d) Advertising [Streisand]
12. **Education** [KOONTZ]
(a) Report on past/pending programs
(b) Future programs
13. **Litigation Committee** [HORTON]
(a) Judicial Council proposal re fiduciaries in pro per [Hand]
(b) Combining will/trust procedures [Kovar] [Streisand]
(c) Proposed model ADR rules [Henden]
(d) New cases
(e) Arbitration on Elder Abuse claims
(f) Preference for elders - Coordinate rules by trial courts and appellate courts
14. **Family Law Liason** [MOORE]
(a) Family Law § 2640 - Reimbursement
15. **McAdams and Borissoff Task Force** [LODISE]
(a) Status
16. **Computer/Internet** [HARTOG]
(a) Listserve
(b) Report on Real Property Section Online Journal Index
17. **CEB** [DENNIS-STRATHMEYER]
(a) Upcoming Programs
(b) Ads in CEB publications

18. NCCUSL

[KAO]

- (a) Uniform Trust Act
- (b) Uniform Institutional Management of Funds Act
- (c) Uniform Allocation of Tax Act - Birnberg
- (d) New proposals solicitation

IV. COMING ATTRACTIONS

FUTURE EXCOMM EVENTS

Next ExComm Meeting

**February 12, 2005
LAX MARRIOTT HOTEL - 9:30 A.M. to 3:30 P.M.**